

Remarks

A. Pending Claims

Claims 66, 67, 69-83, 101, 134, and 159-167 are pending. Claims 66, 76, and 80 have been amended. Claims 71, 72, 79, and 83 have been cancelled. Claims 164-167 are new.

B. The Claims Are Not Obvious Over Torres And Further In View of Pendleton and Suresh Pursuant To 35 U.S.C. § 103(a)

Claims 66, 67, 69-83, 101, 134 and 159-163 were rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent No. Application No. 2005/0043961 to Torres et al. (herein after “Torres”), further in view of U.S. Patent No. 6,253,186 to Pendleton Jr. (herein after “Pendleton”) and further in view of U.S. Patent No. 7,263,492 to Suresh et al. (“Suresh”). Applicant respectfully disagrees with these rejections.

To reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 66 has been amended to describe a combination of features including:

determining a weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill, wherein the weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill combines at least the first fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill assessed using the first fraud technique and the second fraud potential indicator assessed for the request corresponding to the particular accident, financial transaction, or medical bill using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and

referring the request corresponding to the particular accident, financial transaction, or medical bill for review if the weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted, combined fraud potential indicator exceeding the threshold value

Support for the amendments to claim 66 may be found in Applicant's specification at least on page 13, line 13 to page 15, line 15; and page 16, lines 4 and 5. The cited art does not appear to teach or suggest at least these features of claim 66, in combination with the other features of the claim.

The Office Action states:

Pendleton Jr. ('186) discloses determining a weighted combined fraud potential indicator that combines at least the first fraud potential indicator assessed using the first fraud technique and the second fraud potential indicator assessed using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator, and referring the request for review if the combined or weighted combined fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted combined fraud potential indicator exceeding the threshold value (col. 7, lines 31-59)

Claim 66 includes the features of "wherein a first fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill is assessed using a first fraud potential detection technique and a second fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill is assessed using a second fraud potential detection technique, wherein the first fraud potential detection technique is different from the second fraud potential detection technique". The at least two fraud potential indicators, and the first and second fraud potential detection technique are all applied to "the particular accident, financial transaction, or medical bill". Pendleton discloses that multiple "claim lines" for a particular supplier can be added to produce a composite of all claim lines for the supplier and generating composite number of the multiple claim lines for the particular supplier. Pendleton does not teach or suggest at least the feature of "determining a weighted,

combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill” in combination with the other features of claim 66.

The Examiner appears to rely on Suresh to remedy the deficiencies of Pendleton. The Examiner states:

Suresh et al. ('492) discloses a request to a financial institution relating to particular accident, a particular financial transaction, or a particular medical bill.

Suresh discloses using a collection of medical claims data associated with an entity (such as a patient or a provider) to generate a profile of the entity based on the probabilities of states experienced/associated with the entity. (Suresh, column 7, line 48 to column 8, line 3). A predictive model is applied to the entity profiles to “predict (classify) entities as potentially fraudulent or abusive.” (Suresh, column 8, lines 7-11). Suresh, alone or in combination with Pendleton or the other cited art, does not appear to teach or suggest “a weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill” in combination with the other features of claim 66. Moreover, Pendleton and Suresh, taken alone or in combination with one another or the other cited art, do not appear to teach or suggest “referring the request corresponding to the particular accident, financial transaction, or medical bill for review if the weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill exceeds a threshold value” in combination with the other features of claim 66 (emphasis added). Moreover, Pendleton and Suresh, taken alone or in combination one another or the other cited art, do not appear to disclose “wherein the threshold value is adjusted to control the number of requests with the weighted, combined fraud potential indicator exceeding the threshold value” in combination with the other features of claim 66.

The Office Action acknowledges that Torres does not disclose “two potential fraud indicators.” Nonetheless, the Office Action takes the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, “since it has been held that *mere duplication* of the essential working parts of a device involves only routine skill in the art.” (emphasis added). The Office Action relies on *St. Regis*

Paper Co. v. Bemis Co., 193 USPQ 8, 11 (7th Cir. 1977). In *St. Regis Paper*, the court held that redundancy of layers to confer strength was obvious in the paper bag art. *St. Regis Paper*, 193 USPQ at 11. Claim 66 of the present application, however, does not involve “mere redundancy.” Claim 66 describes a combination of features including: “wherein the first fraud potential detection technique is different from the second fraud potential detection technique”. The combination of cited art does not appear to teach or suggest at least the above quoted feature, in combination with the other features of claim 66.

The present application is similar to *Ex Parte Mattison*, 1995 WL 1696767 (Bd. Patent App. & Intf. 1995). In *Mattison*, the Board reversed an obviousness rejection that relied on *St. Regis Paper*. The court stated: “In the present case, the comparators are not redundant since each has *distinct inputs*.” *Mattison* at *6 (emphasis added). Similarly, the potential fraud indicators recited in claim 66 are not redundant because they are assessed using different fraud detection techniques. Rather than relying on a single fraud potential indicator to determine the probability that a request may be fraudulent, Applicant’s claims are directed to basing the determination of potential fraud on multiple (i.e., at least two) fraud potential indicators that are derived using different techniques. Moreover, claim 66 includes the feature of a “weighted, combined fraud potential indicator” and “referring the request … if the weighted, combined fraud potential indicator for the request … exceeds a threshold value”. At least the above-quoted features of claim 66 in combination with the other features of the claim do not appear to be taught or suggested by the cited art.

The cited art individually and in combination does not appear to teach or suggest all of the features of the claim 66. Applicant respectfully requests removal of the obviousness rejections of claim 66 and the claims dependent thereon.

Amended claim 76 recites:

determine a weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill, wherein the weighted, combined fraud potential indicator for the request corresponding to the

particular accident, financial transaction, or medical bill combines at least the first fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill assessed using the first fraud technique and the second fraud potential indicator assessed for the request corresponding to the particular accident, financial transaction, or medical bill using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and

refer the request corresponding to the particular accident, financial transaction, or medical bill for review if the weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted, combined fraud potential indicator exceeding the threshold value

For reasons similar to those set forth above with respect to claim 66, Applicant submits that the cited art does not teach or suggest at least this feature of claim 76, in combination with the other features of the claim.

Amended claim 80 recites:

determining a weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill, wherein the weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill combines at least the first fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill assessed using the first fraud technique and the second fraud potential indicator assessed for the request corresponding to the particular accident, financial transaction, or medical bill using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and

referring the request corresponding to the particular accident, financial transaction, or medical bill for review if the weighted, combined fraud potential indicator for the request corresponding to the particular accident, financial transaction, or medical bill exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted, combined fraud potential indicator exceeding the threshold value

For reasons similar to those set forth above with respect to claim 66, Applicant submits

that the cited art does not teach or suggest at least this feature of claim 80, in combination with the other features of the claim.

Claim 134 recites, in part:

determining a weighted, combined fraud potential indicator for the insurance claim that combines at least the first fraud potential indicator for the insurance claim assessed using the first type of fraud detection and the second fraud potential indicator for the insurance claim assessed using the second type of fraud detection, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and

referring the insurance claim for review if the weighted, combined fraud potential indicator for the insurance claim exceeds a threshold value, wherein the threshold value is adjusted to control the number of insurance claims with the weighted, combined fraud potential indicator exceeding the threshold value.

For reasons similar to those set forth above with respect to claim 66, Applicant submits that the cited art does not teach or suggest at least this feature of claim 134, in combination with the other features of the claim.

Claim 69 recites:

wherein the request is an insurance claim, the method further comprising displaying a plurality of insurance claims, wherein the insurance claims are organized into lists according to referred claims, assigned claims, and rejected claims, and wherein selecting a graphical component respective to referred claims brings up a list of referred claims, wherein selecting a graphical component respective to assigned claims brings up a list of assigned claims, and wherein selecting a graphical component respective to rejected claims brings up a list of rejected claims

Applicant submits that the cited art does not teach or suggest this feature of claim 69, in combination with the other features of the claim. With respect to the above quoted feature, the Examiner relies on Figure 9 of Torres. Figure 9 of Torres depicts a screen shot of a link analysis tool. The portion of the description corresponding to Figure 9 states:

FIG. 9 shows a screen shot 900 of a link analysis tool used in the investigative step of the present invention. Based on a similar or partial match between an individual associated with a transaction dataset and a database of known threats found in earlier identification and detection stages, an investigator may perform additional background searches by simply clicking the relevant databases to further refine a potential threat. If further investigation is warranted, the link analysis tool 900 may access the results from the classification or detection process. The link analysis tool 900 may illustrate an identification section 910 for identifying an individual and an additional list of possible associations related to the individual. A second graphic section 920 provides a graphical depiction of the individual with links to other related information. This link-chart methodology is one of several investigatory methods for uncovering suspicious associations that an investigator might use.
(Torres, Paragraph 0049)

Torres discloses a link analysis tool that may be used to illustrate an identification section for identifying an individual and a list of possible associations related to the individual. Torres does not teach or suggest at least the above-quoted feature of claim 69 in combination with the other features of the claim. Applicant requests removal of the rejection of claim 69.

Claim 163 recites: “wherein the first type of fraud potential detection comprises a predictive model and the second type of fraud potential detection comprises a business rules engine.” The Examiner states: “Claim 163 is parallel with claim 161 and is rejected for at least the same reasons.” Applicant disagrees. Claim 163 recites different features than claim 161 and therefore is not “in parallel” with claim 161. Claim 163 recites “the first type of fraud potential detection comprises a predictive model” and “the second type of fraud potential detection comprises a business rules engine.” The differences between the above-quoted feature are additional clear evidence that the “mere duplication” rational of *St. Regis* does not apply. Applicant requests removal of the rejection of claim 163.

C. New Claims

New claim 164 recites: “wherein at least one of the requests corresponds to an insurance claim for a particular accident, wherein determining at least one of the fraud potential indicators comprises applying one or more business rules to the at least one request corresponding to an

insurance claim for a particular accident; wherein at least of the one business rules applies a loss type multiplier based on at least one loss type associated with the request, wherein the value of the loss type multiplier depends on a tendency for fraud associated with a request type of the request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 165 recites: “wherein the value of the loss type multiplier is larger for requests that are unusual or difficult to verify.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 166 recites: “wherein at least one of the requests corresponds to an insurance claim for a particular accident, wherein determining at least one of the fraud potential indicators comprises applying one or more business rules to the at least one request corresponding to an insurance claim for a particular accident; wherein at least of the one business rules applies an injury type multiplier based on at least one injury type associated with the request, wherein the value of the injury type multiplier depends on a tendency for fraud associated with at least one injury type associated with the request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

New claim 167 recites: “wherein the injury type multiplier comprises the sum of injury type multipliers for two or more injury types associated with the request.” The cited art does not appear to teach or suggest at least this feature of the claim, in combination with the other features of the claim.

D. Additional Remarks

Applicant submits that all claims are in condition for allowance. Favorable consideration is respectfully requested.

Applicant requests a one-month extension of time. If an additional extension of time is required, Applicant requests the appropriate extension of time. An authorization for one-month extension of time from a deposit account will be made upon electronic submission of this document. If any additional fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5053-64100/EBM.

Respectfully submitted,



David W. Quimby

Reg. No. 39,338
Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TEXAS 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)
Date: May 27, 2008